

MONTANA LEGISLATIVE HISTORY

BEST COPY
AVAILABLE

Chapter 30 19 93

Bill H _____ S 52 Original bill & history C

H. Committee on <u>Agriculture, Livestock & Irrigation</u>	S. Committee on <u>Fish & Game</u>
Hearing Date(s) <u>Jan 26</u> ☒ C	Hearing Date(s) <u>Jan 12</u> ☒ C
_____ ☐ C	<u>Jan 14</u> ☒ C
_____ ☐ C	_____ ☐ C
_____ ☐ C	_____ ☐ C
Date Out <u>Jan 22</u> ☒ C	<u>Jan 15</u> ☒

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

1/04 FISCAL NOTE REQUESTED
 1/05 REREFERRED TO JUDICIARY
 1/11 FISCAL NOTE RECEIVED
 1/12 FISCAL NOTE PRINTED
 1/19 HEARING
 1/28 TABLED IN COMMITTEE

SB 56 INTRODUCED BY VAUGHN

CREATE SPECIAL FIREFIGHTER AND EMERGENCY MEDICAL SERVICE
 PERSONNEL LICENSE PLATES

12/23 INTRODUCED
 12/23 REFERRED TO HIGHWAYS & TRANSPORTATION
 1/04 FIRST READING
 1/04 FISCAL NOTE REQUESTED
 1/07 HEARING
 1/11 FISCAL NOTE RECEIVED
 1/11 FISCAL NOTE PRINTED
 1/15 COMMITTEE REPORT—BILL PASSED AS AMENDED
 1/16 2ND READING PASSED 47 0
 1/18 3RD READING PASSED 47 1

 TRANSMITTED TO HOUSE
 1/19 FIRST READING
 1/19 REFERRED TO HIGHWAYS & TRANSPORTATION
 1/27 HEARING
 1/29 TABLED IN COMMITTEE

SB 57 INTRODUCED BY SWIFT, ET AL.

REQUIRE GAME FARM ANIMALS TO BE IDENTIFIED BY A RECORDED MARK
 BY REQUEST OF DEPARTMENT OF LIVESTOCK

12/23 INTRODUCED
 12/23 REFERRED TO FISH & GAME
 1/04 FIRST READING
 1/12 HEARING
 1/15 COMMITTEE REPORT—BILL PASSED
 1/16 2ND READING PASSED 47 0
 1/18 3RD READING PASSED 48 0

 TRANSMITTED TO HOUSE
 1/19 FIRST READING
 1/19 REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION
 1/26 HEARING
 1/28 COMMITTEE REPORT—BILL CONCURRED
 1/30 2ND READING CONCURRED 94 1
 2/03 3RD READING CONCURRED 97 1

 RETURNED TO SENATE
 2/08 SIGNED BY PRESIDENT
 2/09 SIGNED BY SPEAKER
 2/09 TRANSMITTED TO GOVERNOR
 2/11 SIGNED BY GOVERNOR
 CHAPTER NUMBER 30
 EFFECTIVE DATE: 10/01/93

SB 58 INTRODUCED BY SWIFT

GENERALLY REVISE THE HUNTING AND FISHING LAWS OF MONTANA

12/23 INTRODUCED
 12/23 REFERRED TO FISH & GAME
 1/04 FIRST READING
 1/04 FISCAL NOTE REQUESTED

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By Bob Pipinich, Chair, on January 12, 1993, at
1:00 p.m.

ROLL CALL

Members Present:

Sen. Bob Pipinich, Chair (D)
Sen. Gary Forrester, Vice Chair (D)
Sen. Tom Beck (R)
Sen. Chris Christiaens (D)
Sen. Bruce Crippen (R)
Sen. Gerry Devlin (R)
Sen. Judy Jacobson (D)
Sen. Terry Klampe (D)
Sen. Kenneth Mesaros (R)
Sen. Dennis Nathe (R)

Members Excused: Senator Don Bianchi

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council
Kathy Collins, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 57, SB 58
Executive Action: SJR 1

HEARING ON SB 57

Opening Statement by Sponsor:

Senator Bernie Swift, Senate District 32, stated SB 57 would put in place a marking for identification of game farm animals. SB 57 could clear up a question that has been long-standing, as far as game farmers are concerned, as to who has the authority for administering the brand inspection and the identification of animals when moved. Senator Swift handed out definitions relating to game farm activities (Exhibit #1).

Proponents' Testimony:

Cork Mortensen, Executive Secretary to the Board of Livestock spoke from a prepared statement in favor of SB 57 (Exhibit #2).

Les Graham, Montana Game Breeders Association, stated he supports SB 57 and urged the Committee to give it their consideration.

Pat Graham, Director, Department of Fish, Wildlife & Parks (FWP), spoke from a prepared statement in favor of SB 57 (Exhibit #3).

Janet Ellis, Montana Audubon Council, expressed her support of SB 57, being primarily interested in FWP and the Department of Livestock cooperating on game farm regulations. She felt that game farm animals do need to be regulated because of the threat to our native wildlife.

Stan Bradshaw, Montana Bowhunters Association, stated he supports SB 57 for the reasons expressed by both Les Graham and Pat Graham.

Welch Brogan, Cinnabar Game Farm, Corwin Springs, MT, stated he was in favor of Department of Livestock becoming involved; however, he felt that some consideration should be given to the matter of extra tagging. He felt identification requirements already in place are sufficient.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Beck, in reference to section 1, line 24, asked Cork Mortensen if, at present time, livestock "must" be branded or "may" be branded. Mr. Mortensen said domestic livestock, "may" be branded. When asked why the language in the bill states "must", Mr. Mortensen turned the discussion over to Les Graham. Mr. Graham stated it is in the game farmer's best interest to be able to prove the animals are indeed their animals and that they are disease free. He said personally, he does not like this type of thing coming out of government, but if the requirement of individual identification is what is needed to protect the reputation of the game farmers, he is in favor of working with FWP on SB 57.

Senator Beck asked Pat Graham if there would be any exception to the requirement of the brand. Mr. Graham stated it would be in the farmer's own interest to have their animals branded. There are public animals outside the game farms that are not branded, and to distinguish between those animals belonging to the game farmer and those animals who no one has the incentive or interest to brand is why it is recommended branding be mandatory. He stated branding of the animal does not have to be done the minute the calf is born.

Senator Nathe asked Les Graham if the game farmers can use the brand on game animals that is recorded for their cattle. Mr. Graham replied some of the farmers have recorded brands, and there is also interest in freeze branding. The Montana Game Breeders Association went to the Board of Livestock meeting last summer and agreed on an ear tattoo. Although the tattoo is more difficult to read, it cannot be clipped out, and game farmers have been urged to take this type of approach.

Senator Mesaros asked Cork Mortensen if enforcement would fall under the Department of Livestock and if brand inspectors would be called on in the case of transfers. Mr. Mortensen stated on transfers of ownership or movement of animals, the Department's district inspectors issue the certificates for moves.

Senator Beck asked Les Graham if a freeze brand is recognized as a legal brand on an elk. Mr. Graham replied the Board of Livestock would have to take administrative action on that.

Senator Crippen asked Welch Brogan if he sells his elk for consumption. Mr. Brogan replied his animals have always been sold for propagation purposes.

Senator Beck asked Les Graham if tags and tattoos are required, or just brands. Mr. Graham replied SB 57 basically requires a whole-herd mark to be registered with the Department of Livestock. The prearranged agreement with the Department is that it will be tattoos at this point.

Les Graham commented that a great deal of the elk meat products on the market are from New Zealand. He also stated the thing of the future in branding game farm animals is electronic identification.

Senator Mesaros asked Les Graham if there would be a need for a physical identification, such as a tag. Mr. Graham replied that is correct, but the problem with the tags is they can be removed and replaced, which cannot be done with a tattoo.

Senator Mesaros asked Les Graham if there is a requirement of a tag in conjunction with a tattoo. Mr. Graham stated in the current rules that Pat Graham mentioned, there is a requirement of an ear tag in addition to the brand.

Closing by Sponsor:

Senator Swift stated the reason for SB 57 is to clarify administrative problems that game farmers have been suffering with since the law was put in place. He feels SB 57 will go a long way towards alleviating some of those problems. He urged the Committee to give SB 57 a do pass.

HEARING ON SB 58

Opening Statement by Sponsor:

Senator Bernie Swift, Senate District 32, stated SB 58 is a hunter activity bill. There are four key things SB 58 deals with: the inclusion of firearms in special hunting areas; giving youth who reside with an out-of-state parent resident hunting rights when visiting a resident parent; the clarification of who owns an animal once it has been killed and properly tagged; and making a second offense of hunter harassment a felony rather than a misdemeanor.

Proponents' Testimony:

Gary S. Marbut, representing Montana Shooting Sports Association (MSSA), stated his organization requested the drafting of SB 58. Referring to Section 1, allowing handgun hunting in restricted areas, he commented that the reason some of these areas are currently restricted to shotguns and muzzleloaders is because the areas are often semi-populated river bottom areas, and they don't want firearms that will reach five miles. These areas should allow handguns as well, as long as restrictions are followed (Exhibit #4). Referring to the matter of non-resident minors, Mr. Marbut stated he has received several phone calls from non-custodial resident parents who have expressed the desire to have their children hunt in Montana with resident status. Referring to Section 3, Mr. Marbut stated there is some confusion with the current laws as to who a lawfully taken, properly tagged animal belongs to. He stated clarification is needed in this area. Referring to Section 4, Mr. Marbut stated he feels the second offense of hunter harassment should carry a stiffer penalty than a first offense, perhaps several multiples of the first offense. He feels that a stiffer penalty would serve as a deterrent.

Albert M. Elwell, representing the Montana Weapons Collectors, stated because of Section 1 and Section 4 he supports SB 58.

James Dyke, Jr., Missoula, stated he felt it is reasonable to accept the suggestion of allowing handguns to be used in the areas referred to in Section 1 because the projectiles and the guns that the MSSA is asking to be allowed will not carry any further than modern black powder guns using sabots or shotguns using slugs. Mr. Dyke urged the Committee to support SB 58.

ROLL CALL

SENATE COMMITTEE Fish & Game DATE 1-12-93

NAME	PRESENT	ABSENT	EXCUSED
Senator Pipinich	X		
Senator Forrester	X		
Senator Klampe	X		
Senator Nathe	X		
Senator Devlin	X		
Senator Mesaros	X		
Senator Beck	X		
Senator Crippen	X		
Senator Christiaens	X		
Senator Bianchi			X
Senator Jacobson	X		

87-4-406. Definitions. As used in this part, the following definitions apply:

- (1) "Department" means the department of fish, wildlife, and parks.
- (2) "Game animals" means game animals as defined in 87-2-101 that are not the lawful property of any private person.
- (3) "Game farm" means the enclosed land area upon which game farm animals may be kept for purposes of obtaining, rearing in captivity, keeping, and selling game animals or parts of game animals, as authorized under this part.
- (4) "Game farm animal" means a privately owned caribou, black bear, mountain lion, white-tailed deer, mule deer, elk, moose, antelope, mountain sheep, or mountain goat indigenous to the state of Montana or any other cloven-hoofed ungulate as classified by the department.
- (5) "Game farm shooting license" means the license required under 87-4-421 for a game farm operator to hunt the game farm animals indigenous to the state of Montana on his game farm.
- (6) "Person" means an individual, firm, corporation, association, or partnership.

History: En. Sec. 1, Ch. 570, L. 1983; amd. Sec. 3, Ch. 540, L. 1985.

SENATE FISH AND GAME
COMMITTEE NO. 2
DATE 1/12/93
BILL NO. SB 57

SB 57

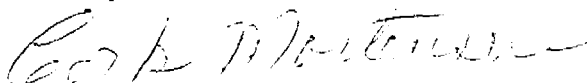
Mr. Chairman and members of the committee, for the record my name is Cork Mortensen and I am the Executive Secretary to the Board of Livestock. The Board and Department of Livestock support this legislation and urge you to support SB 57 for the following reasons:

In the last regular legislative session HB 556 was enacted which mandated a cooperative effort between the Department of Fish, Wildlife & Parks and the Department of Livestock in regulating the game farm industry.

Some of the animals which are classified as game farm animals are not covered by Department of Livestock statutes. It is for that specific reason this legislation is before you. Enaction of this legislation will allow us to comply with your (previous) legislative mandate.

Thank you for your time and consideration in this matter. Once again, the Board and Department of Livestock urge you to support this legislation. If you have any questions or need more information, I should be happy to respond.

Thank you,



Cork Mortensen
Executive Secretary
To the Board of Livestock

SENATE FISH AND GAME

EXHIBIT NO. 3

DATE 1/12/93

BILL NO. SB 57

SB 57

January 12, 1992

Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks
to the ~~House~~ Fish and Game Committee
Senate

The Department of Fish, Wildlife & Parks and the Department of Livestock share regulatory authority for the licensing and operation of game farms in Montana. Fish, Wildlife & Parks' regulatory responsibility resides primarily in licensing, facility standards, record keeping and reporting. The Department of Livestock's regulatory authority is focused primarily in the animal health arena.

New rules were jointly adopted last May by Fish, Wildlife & Parks and the Board of Livestock. This bill clarifies Department of Livestock statutes to aid in implementing the new game farm rules. We support this legislation. We are pleased that the two agencies have been able to work closely in developing and implementing game farm regulations.

Section 1, subsection 2 of SB 57 provides statutory clarification for the issuance of herd tattoos for purposes of identification and ownership as required by the new joint game farm rules. These rules also require ear tag markers that provide for identification of individual game farm animals by the Department of Fish, Wildlife & Parks.

Technically, game farm animals do not fall within the definition of "domestic livestock." As a practical matter, however, we understand the need to include game farm animals in the definition of "livestock" (section.3, subsection 3) to facilitate dealing with herd brands/tattoos of game farm animals by Department of Livestock inspectors.

The new rules, which were developed as a result of legislation passed in 1991, also provide for inspection and issuance of transportation permits by Department of Livestock inspectors for game farm animals that are sold or transported in the state - the same procedure that the Department of Livestock has historically applied to domestic livestock. Previously, inspections and issuance of transportation permits for game farm animals were conducted by Fish, Wildlife & Parks law enforcement personnel.

Additional legislation will be submitted this session to address regulatory needs for game farms.

DATE January 12, 1993
 SENATE COMMITTEE ON Fish & Game
 BILLS BEING HEARD TODAY: SB 57 - SB 58

Name	Representing	Bill No.	Check One	
			Support	Oppose
Wesley E. Brogan	Grainbelt Game Pres.	57		
Don Miller		58		X
Les Graham	MT Open Breeder Assn	57	✓	
E. E. Martensen	Dept. of Livestock	57	✓	
Stan Brakhal		57	✓	
A. M. F. Howell	WCSM + NWCC	58	←	
Janet Ellis	MT Audubon Council	57	✓	
James Dyke JR	Hardgun hunters	58	✓	
Tom Waring	SELF			
Sary S. Marbut	MT Shooting Sports Assoc	58	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

Senator Beck asked Ms. Merrill what is meant by "institution". Ms. Merrill replied prison, Boulder, Warm Springs. Senator Beck asked about people who are in a pre-release center. Senator Pipinich stated if a person is in a pre-release center, they are not allowed to carry a firearm, therefore, they would not be able to obtain a hunting license.

Senator Klampe asked for an explanation of why SB 17 excludes those persons residing in institutions. Ms. Merrill stated disabled persons residing in a Montana institution like Boulder or Warm Springs cannot get the benefits of the act, so it was changed to include non-resident disabled persons residing in an institution.

Motion/Vote:

Senator Jacobson MOVED the amendments to SB 17. MOTION CARRIED UNANIMOUSLY, with Senators Bianchi and Christiaens voting by proxy (Exhibit #1).

Motion/Vote:

Senator Mesaros MOVED SB 17 DO PASS AS AMENDED. MOTION CARRIED UNANIMOUSLY, with Senators Bianchi and Christiaens voting by proxy (Exhibit #1).

EXECUTIVE ACTION ON SB 57

Discussion:

Senator Mesaros asked Pat Graham, Director, Fish, Wildlife & Parks (FWP), if the legal identification on the game farm would be a tattoo. Mr. Graham stated this is true under this legislation. FWP requires individual animal identification; the Board of Livestock requires a herd identification.

Senator Mesaros asked if the identification is big enough to see. Mr. Graham stated there is an option for those people who do photography work to use a coded wire tag to individually mark their animals so the tag does not interfere with the photography.

Senator Pipinich asked Pat Graham if a hunter will be prosecuted if an elk roams off the game farm and the hunter shoots it. Mr. Graham stated when the hunter has no idea the elk is from a game farm, the hunter is not prosecuted.

Motion/Vote:

Senator Devlin MOVED SB 57 DO PASS. MOTION CARRIED UNANIMOUSLY, with Senators Bianchi and Christiaens voting by proxy (Exhibit #1).

ROLL CALL

SENATE COMMITTEE Fish & Game DATE 1-14-93

NAME	PRESENT	ABSENT	EXCUSED
Senator Pipinich	✓		
Senator Forrester	✓		
Senator Klumpe	✓		
Senator Nathe	✓		
Senator Devlin	✓		
Senator Mesaros	✓		
Senator Beck	✓		
Senator Crippen	✓		
Senator Christiaens			X
Senator Bianchi	✓		
Senator Jacobson	✓		

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 15, 1993

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration Senate Bill No. 57 (first reading copy -- white), respectfully report that Senate Bill No. 57 do pass.

Signed: _____


Bob Pipinich, Chair

 Amd. Coord.

Sec. of Senate

110903SC.San

1/14/93

Bot vote me yes
Please Sen bills 58 as American
on Sen bill 17 as Amended & Sen #21
& Sen Thanks Chris

SENATE FISH AND GAME
ENCL NO 1
DATE 1-14-93
BILL NO SB 17, SB 57, SB 58

Don Blanch.

SB 17 - YES

SB 58 - YES

SB 57 - YES

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION

Call to Order: By CHAIRMAN VERN KELLER, on January 26, 1993, at
3:00 P.M.

ROLL CALL

Members Present:

Rep. Vern Keller, Chairman (R)
Rep. Joe Barnett, Vice Chairman (R)
Rep. Shiell Anderson (R)
Rep. Bob Bachini (D)
Rep. Jody Bird (D)
Rep. Ervin Davis (D)
Rep. Bill Endy (D)
Rep. Harriet Hayne (R)
Rep. Don Larson (D)
Rep. Gary Mason (R)
Rep. Bill Rehbein (R)
Rep. Sam Rose (R)
Rep. Wilbur Spring (R)
Rep. Wayne Stanford (D)
Rep. Jay Stovall (R)

Members Excused: None

Members Absent: Rep. Dore Schwinden

Staff Present: Connie Erickson, Legislative Council
Jaelene Racicot, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 193, HB 213, SB 57
Executive Action: SB 57, HB 167

HEARING ON SB 57

Opening Statement by Sponsor:

SEN. BERNIE SWIFT, SD 33, St. Regis, stated that SB 57 would
clarify a problem that game farms in Montana were having. He
said the problem concerned who had the authority to administer

livestock laws regarding the monitoring and identification of animals. SEN. SWIFT indicated the Department of Livestock, game farm owners, and the Department of Fish, Wildlife and Parks were in agreement on requiring the marking of game farm animals. He said game farm animals would be ear tattooed the same way cattle are. He distributed a definition of game farm animals to the committee. EXHIBIT 1

Proponents' Testimony:

Cork Mortensen, Executive Secretary, Board of Livestock, presented written testimony. EXHIBIT 2

Bob Lane, Department of Fish, Wildlife and Parks, presented testimony from Pat Graham, Director, Department of Fish, Wildlife and Parks. EXHIBIT 3.

Les Graham, Montana Game Farm Association, stated the Association agrees with SEN. SWIFT regarding livestock identification as well as animal health.

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. ERVIN DAVIS asked Mr. Graham where the game farms that had black bear, mountain lion, and antelope were located. Mr. Graham replied that game farms are scattered throughout the state, with the majority of the animals, REP. DAVIS mentioned, located in the Flathead Valley area.

REP. DAVIS asked if Mr. Graham could be more specific about where black bear and mountain lion game farms are located. Mr. Graham replied that there were 100 plus licensed game farms around the state. He indicated he did not know which game farms had which animals, however, the license would stipulate what animals a game farm could have.

REP. DAVIS asked what they used these game farms for. Mr. Lane stated that black bear and mountain lion game farms were used for hobbies and commercial purposes. Mr. Lane said there was a bear park in the Kalispell area. He indicated that most of the game farms consisted primarily of elk or deer and were for commercial purposes.

REP. MASON asked if SB 57 would eliminate some of the harassment the game farms were currently experiencing. Mr. Graham replied that it was a beginning. He said that identifying the game animals would help eliminate some harassment. He also stated the authority would now lie with the Department of Livestock; that the department has 100 plus years of expertise as well as

expertise in animal health. Mr. Graham explained that REP. REAM was introducing a bill which would provide more clarification of the problem game farm owners were having.

REP. JAY STOVALL asked about the mark game animals would have. Mr. Graham stated it would be a tattoo which would be registered with the Department of Livestock.

REP. STOVALL asked if this tattoo would be a proof of ownership. Mr. Graham indicated that it would.

REP. STOVALL asked what would happen if a game animal got out of the fenced area and was killed by a hunter. Mr. Graham replied that hunters are supposed to report the incident. He indicated the tattoo would be a permanent mark and the animal would be easily identified.

REP. BACHINI asked SEN. SWIFT why there were two bills introduced this session which address the same issue. He wondered why the two bills could not be combined. SEN. SWIFT replied that the two bills could be combined to achieve the objectives needed.

REP. BACHINI asked Mr. Graham if the two bills could be combined into one. Mr. Graham replied that this could probably be done, and indicated the two titles were different which was probably the reason the bills were not combined initially.

REP. ROSE asked what provisions did the department have to keep infected animals from Canada or other states coming into the state infecting Montana game farm animals. REP. ROSE asked if a veterinarian would test the animal's blood periodically. Mr. Lane said REP. REAM'S bill would deal with the regulation of game farms. He indicated that if animals were infected, quarantine areas would have to be set up. He stated that adequate health inspection would be established by the Department of Livestock who has the expertise to do the job properly. Mr. Graham added that game animals would be regulated by the same law regulating domestic animals.

REP. SPRING asked what would happen if the game animals got out and were hit by a motorist; and if the game farm owner would suffer the same liability as the owner of domestic farm animals when a car hits the animal. Mr. Lane responded there would have to be negligence on the part of the game farm operator. He stated that the fence surrounding the game farm animals must be adequate to contain the animals within the farm. In addition, the fence had to be maintained in an adequate state.

REP. SPRING asked if bison were considered game animals. Mr. Lane responded that they were considered domestic animals.

Closing by Sponsor:

SEN. SWIFT thanked the committee and closed.

REP. MASON asked if he could contact his constituents regarding HB 193 before the committee took executive action on the bill. The committee decided to defer executive action until a later date.

EXECUTIVE ACTION ON SB 57

Motion/Vote: REP. BACHINI MOVED SB 57 BE CONCURRED IN. Motion carried unanimously.

EXECUTIVE ACTION ON HB 213

Motion: REP. BACHINI MOVED HB 213 DO PASS.

Discussion: REP. ROSE stated that on page one, lines 20 and 21, residency was defined as having land within the boundary of the irrigation district. Ms. Erickson indicated she thought Mr. Nypen wanted language which required residency within the county.

Motion: REP. ROSE moved the amendment.

REP. MASON stated that the purpose of the bill was to allow people who owned land within an irrigation district to vote in elections regardless of where they lived.

Ms. Erickson said that at the present time, the way the bill reads, one could own land within a district but could live outside the state and still vote; or could live a county away, and could vote in an election if they owned land in the district. Ms. Erickson said that with the new amendment only the person living within the county could vote in the election. As an example, she said as the bill reads now, if you own land in the Greenfield Irrigation District and live in Pondera County you may vote in the election. She stated that if the committee amended the bill, then the person had to live within the county in which part of the land was within an irrigation district.

REP. BACHINI said that lines 20 and 21 address the problem.

Ms. Erickson stated that an amendment was offered to change the residence requirement to require residency at least in the county which included the irrigation district. She suggested that the committee talk to Mr. Nypen to determine what he wanted.

Executive action on HB 213 was deferred.

HOUSE OF REPRESENTATIVES

AGRICULTURE, LIVESTOCK, & IRRIGATION COMMITTEE

ROLL CALL

DATE

1/26/93

NAME	PRESENT	ABSENT	EXCUSED
REPRESENTATIVE SHIELL ANDERSON	✓		
REPRESENTATIVE BOB BACHINI	✓		
REPRESENTATIVE JOE BARNETT V.C.	✓		
REPRESENTATIVE JODY BIRD	✓		
REPRESENTATIVE ERVIN DAVIS	✓		
REPRESENTATIVE BILL ENDY	✓		
REPRESENTATIVE HARRIET HAYNE	✓		
REPRESENTATIVE DON LARSON MIN. V.C.	✓		
REPRESENTATIVE GARY MASON	✓		
REPRESENTATIVE BILL REHBEIN	✓		
REPRESENTATIVE SAM ROSE	✓		
REPRESENTATIVE DORE SCHWINDEN		✓	
REPRESENTATIVE WILBUR SPRING	✓		
REPRESENTATIVE WAYNE STANFORD	✓		
REPRESENTATIVE JAY STOVALL	✓		
CHAIRMAN VERN KELLER	✓		

HOUSE STANDING COMMITTEE REPORT

January 27, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that Senate Bill 57 (third reading copy -- blue) be concurred in.

Signed: _____
Vern Keller, Chair

Carried by: Rep. Keller

Committee Vote:
Yes _____, No _____.

11121300.Hss

EXHIBIT 1

DATE 1/26/93

BB 57

87-4-106. Definitions. As used in this part, the following definitions apply:

- (1) "Department" means the department of fish, wildlife, and parks.
- (2) "Game animals" means game animals as defined in 87-2-101 that are not the lawful property of any private person.
- (3) "Game farm" means the enclosed land area upon which game farm animals may be kept for purposes of obtaining, rearing in captivity, keeping, and selling game animals or parts of game animals, as authorized under this part.
- (4) "Game farm animal" means a privately owned caribou, black bear, mountain lion, white-tailed deer, mule deer, elk, moose, antelope, mountain sheep, or mountain goat indigenous to the state of Montana or any other cloven-hoofed ungulate as classified by the department.
- (5) "Game farm shooting license" means the license required under 87-4-421 for a game farm operator to hunt the game farm animals indigenous to the state of Montana on his game farm.
- (6) "Person" means an individual, firm, corporation, association, or partnership.

History: En. Sec. 1, Ch. 570, L. 1983; amd. Sec. 3, Ch. 540, L. 1985.

DATE 1/26/93
SB 57

SB 57

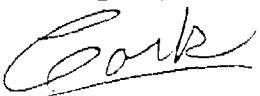
Mr. Chairman and members of the committee, for the record my name is Cork Mortensen and I am the Executive Secretary to the Board of Livestock. The Board and Department of Livestock support this legislation and urge you to support SB 57 for the following reasons:

In the last regular legislative session HB 556 was enacted which mandated a cooperative effort between the Department of Fish, Wildlife & Parks and the Department of Livestock in regulating the game farm industry.

Some of the animals which are classified as game farm animals are not covered by Department of Livestock statutes. It is for that specific reason this legislation is before you. Enaction of this legislation will allow us to comply with your (previous) legislative mandate.

Thank you for your time and consideration in this matter. Once again, the Board and Department of Livestock urge you to support this legislation. If you have any questions or need more information, I should be happy to respond.

Thank you,



Cork Mortensen
Executive Secretary
To the Board of Livestock

SB 57
January 26, 1992

Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks
to the House Agriculture, Livestock & Irrigation Committee

The Department of Fish, Wildlife & Parks and the Department of Livestock share regulatory authority for the licensing and operation of game farms in Montana. Fish, Wildlife & Parks' regulatory responsibility resides primarily in licensing, facility standards, record keeping and reporting. The Department of Livestock's regulatory authority is focused primarily in the animal health arena.

New rules were jointly adopted last May by Fish, Wildlife & Parks and the Board of Livestock. This bill clarifies Department of Livestock statutes to aid in implementing the new game farm rules. We support this legislation. We are pleased that the two agencies have been able to work closely in developing and implementing game farm regulations.

Section 1, subsection 2 of SB 57 provides statutory clarification for the issuance of herd tattoos for purposes of identification and ownership as required by the new joint game farm rules. These rules also require ear tag markers that provide for identification of individual game farm animals by the Department of Fish, Wildlife & Parks.

Technically, game farm animals do not fall within the definition of "domestic livestock." As a practical matter, however, we understand the need to include game farm animals in the definition of "livestock" (section 3, subsection 3) to facilitate dealing with herd brands/tattoos of game farm animals by Department of Livestock inspectors.

The new rules, which were developed as a result of legislation passed in 1991, also provide for inspection and issuance of transportation permits by Department of Livestock inspectors for game farm animals that are sold or transported in the state - the same procedure that the Department of Livestock has historically applied to domestic livestock. Previously, inspections and issuance of transportation permits for game farm animals were conducted by Fish, Wildlife & Parks law enforcement personnel.

Additional legislation will be submitted this session to address regulatory needs for game farms.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Agriculture

COMMITTEE

BILL NO. _____

DATE 1/26/93

SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
JERRY NYFEN	MLURA	213	
Les Graham	mt Cape Breton SA	57	
Bob Martenson	Dept. Lumber & Forests	SB 57	
RALPH PECK	MT. DEPT. OF AGRIC	AB 193	
WILL KISSINGER	" " " "	" " "	
DAVE TAYLOR	MT Dept. of Agr. & Fish.	AB 193	
Sid Seidenman	S. L. Macdonald Farm	AB 193	
LEO NICHOLET	NICHOLET SEED FARM	AB 193	
Bob Strick	Strick Farms	AB 193	
Steve Strick	Strick Farms	AB 193	
John Verbruggen	com	AB AB	
Bob Lane	DFWD	SB 57	
Bob Lane	Lane Seed Potatoes	AB 193	
Mike Lane	Mountain State Farm	AB 193	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

Bill Cotton
Ted J. Dorsey
John Blumquist

mt Potato Growers AB 193
MT Donnelly's Assn. AB 193 w/1000
mt. Steinhagen Farm " "